

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL SLOCUM,

Plaintiff,

v.

SERGEANT S. BEAR, *et al.*,

Defendants.

Case No. 1:18-cv-423

JUDGE DOUGLAS R. COLE

Magistrate Judge Karen Litkovitz

ORDER

On April 28, 2020, Magistrate Judge Litkovitz issued a Report and Recommendation (the “R&R”) (Doc. 78), recommending that this Court deny Plaintiff Michael Slocum’s Motion for Preliminary Injunction (Doc. 73), which sought his permanent transfer from the Southern Ohio Correctional Facility (“SOCF”). Magistrate Judge Litkovitz’s R&R concluded that Slocum’s Motion failed to establish a substantial likelihood of success on the merits or that he will suffer irreparable harm absent a preliminary injunction. Moreover, the R&R found that the nature of the equitable relief that Slocum sought was improper as it would have required the Court to order Defendants to affirmatively act (i.e., transfer Slocum to another correctional facility), rather than to enjoin Defendants from taking certain acts and thereby maintain the status quo. (*Id.* at 3, #434). The R&R then advised the Parties that a failure to object within the 14 days specified by the R&R may result in forfeiture of rights on appeal, which includes the right to District Court review. (*See id.* at 4, #435 (first citing *Thomas v. Arn*, 474 U.S. 140, 149–53 (1985); then *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)).

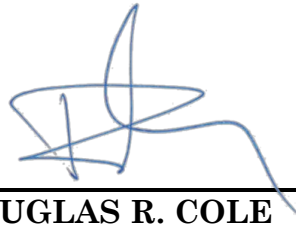
Now, the time period for objection has run, and no party has objected. 28 U.S.C. § 636(b)(1)(C). “There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate’s report to which no objections are filed.” *Thomas*, 474 U.S. at 152; *see also Berkshire v. Beauvais*, 928 F.3d 520, 530–31 (6th Cir. 2019) (noting “fail[ure] to file an objection to the magistrate judge’s R&R ... is forfeiture, not waiver”) (emphasis in original).

Thus, the Court **ADOPTS** Magistrate Judge Litkovitz’s R&R (Doc. 78), and thereby **DENIES** Slocum’s Motion for Preliminary Injunction. (Doc. 73).

SO ORDERED.

June 19, 2020

DATE



DOUGLAS R. COLE
UNITED STATES DISTRICT JUDGE